

PATENT  
#01-0164-UNI  
Case #F7571(V)

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fabian et al.  
Deposited: December 5, 2001  
For: POURABLE FRYING COMPOSITION

Edgewater, New Jersey 07020  
December 5, 2001

**PRELIMINARY AMENDMENT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

With regard to the above-identified application filed concurrently herewith, please amend the following:

**In the Claims:**

Please enter the following amended claims:

4. (Amended) Pourable composition according to claim 3 comprising 0.1 to 5 wt% of emulsifier.
5. (Amended) Pourable composition according to claims 4 wherein the emulsifier is DATEM in a preferred amount of from 0.3 to 3 wt%.

9. (Amended) Pourable composition according to claims 1 wherein the fat is dispersed in a water phase, whereby the average droplet size ( $d_{43}$ ) of the fat is less than  $8\text{ }\mu\text{m}$ , preferably less than  $6\text{ }\mu\text{m}$ , more preferred from  $0.35$  to  $4\text{ }\mu\text{m}$ .

10. (Amended) Process for the preparation of a pourable, water continuous frying composition according to claim 1, comprising the steps of emulsification of a fat phase comprising fat phase ingredients with an aqueous phase comprising aqueous phase ingredients such that the resulting average fat droplet size  $d_{43}$  is below  $8\text{ }\mu\text{m}$ .

## REMARKS

The present amendment is submitted to eliminate multiple dependencies and to correct minor typographical errors. The amendments were not intended to and should not be construed to have been made for any reasons related to patentability of the claims.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attachment is captioned "Version with Markings to Show Changes Made".

Respectfully submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

4. (Amended) Pourable composition according to ~~any of claim 3~~ comprising 0.1 to 5 wt% of emulsifier.

5. (Amended) Pourable composition according to ~~any of claims 4~~ wherein the emulsifier is DATEM in a preferred amount of from 0.3 to 3 wt%.

9. (Amended) Pourable composition according to ~~any of claims 1~~ wherein the fat is dispersed in a water phase, whereby the average droplet size ( $d_{43}$ ) of the fat is less than 8  $\mu\text{m}$ , preferably less than 6  $\mu\text{m}$ , more preferred from 0.35 to 4  $\mu\text{m}$ .

10. (Amended) Process for the preparation of a pourable, water continuous frying composition according to ~~any of the previous claims~~ claim 1, comprising the steps of emulsification of a fat phase comprising fat phase ingredients with an aqueous phase comprising aqueous phase ingredients such that the resulting average fat droplet size  $d_{43}$  is below 8  $\mu\text{m}$ .